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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,697	05/29/2001	Takehiro Yoshida	35.C15377	5737
5514	7590	02/24/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			SAFAIPOUR, HOUSHANG	
		ART UNIT	PAPER NUMBER	
		2627		

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/865,697	YOSHIDA, TAKEHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Houshang Safaipour	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 5, 2005 has been entered.

### **Response to Arguments**

Applicant's arguments filed on December 5, 2005 have been reviewed but they are not persuasive. The response to the arguments is as set forth in the body of the rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yutaka Kido (JP 11-17877) and further in view of Edamura (U.S. Patent No. 5,408,340).

Regarding claim 1, Yutaka Kido discloses a facsimile apparatus for reading image data of a both-side original and transmitting it, comprising:

reading means for reading images on both sides of the original Page 9, [0011];

discriminating means for discriminating whether effective image data is included on both sides of the original read by said reading means or not (page 11, paragraph [0015], lines 1-7); and

Kido explains the reception mode (page 12) and does not explicitly disclose execution of a both-side transmission of the image data read from the both sides of the original if it is determined by said discriminating means that at least one sheet of original in which the effective image data is included on the both sides exists. In Edamura, the receiver recognizes two sided transmission by means of NSS signal from the transmitter (col. 5, lines 49-60). Edamura executes a one-side transmission of the image data read from a front side of the original in the other cases (col. 5, lines 3-9). As one of ordinary skill would have recognized, the ability of a transmitter to provide two-sided transmission enables a receiver to print on both sides of a recording sheet, thereby saving sheets. Therefore it would have been obvious to a person of an ordinary skill in the art to use Edamura's facsimile transmission control method in facsimile data transmission of Kido to transmit two sided document upon recognition of such document.

Regarding claim 2, Yutaka Kido discloses an apparatus according to claim 1, wherein even if at least one sheet of original in which the effective image data is included on the both sides exists, when a receiver on a partner side does not have a both-side transmission mode, only the sides including the effective image data are transmitted in order from the front side and a reverse side by using a one-side transmitting procedure (paragraphs [0015] and [0016]).

Regarding claim 3, Yutaka Kido discloses, an apparatus according to claim 1, further comprising operating means for designating a compulsory front side reading mode for reading only the image on the front side of the original, wherein when said compulsory front side reading mode is selected by said operating means, even if at least one sheet of original in which the effective image data is included on the both sides exists, only the front side of the original is read and the read image data is transmitted in a one-side mode (paragraphs [0015] and [0016]).

Regarding claims 4-6, arguments analogous to those presented for claims 1-3 are applicable to claims 4-6 respectively.

Regarding claims 7-9, arguments analogous to those presented for claims 1-3 are applicable to claims 7-9 respectively.

*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipour whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Houshang Safaipour  
Patent Examiner  
Art Unit 2622  
February 21, 2006



Thomas H.S.D. Lee  
Patent Examiner